IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1533 (S/S) of 2005

Shoor Veer Lal,
son of Shri Rikha Lal,
resident of Village and Post - Gadoli,
Tehsil - Barkot,
District - Uttarkashi.

……Petitioner.

Versus .

1. Director General, Medical Health and Family Welfare, Uttaranchal, Chandra Nagar, Dehradun, Uttaranchal.
2. Chief Medical Officer, Uttarkashi.

……..Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Sudhanshu Dhulia, Sr. Advocate, assisted by Sri N.S. Pundir, learned counsel for the petitioner and learned standing counsel for the respondents.

By means of this writ petition, the petitioners have prayed to issue a writ in the nature of Mandamus commanding the respondents to transfer the petitioner to Community Health Centre, Naugaon, Uttarkashi on the post of Pharmacist.

Learned counsel for the petitioner has submitted that petitioner, who was working on the post of Pharmacist in Muzaffarnagar and is permanent resident of Uttaranchal, had opted for State of Uttaranchal and now has finally been allocated State of Uttaranchal. After final allocation, he had joined his duties in the State of Uttaranchal. The Additional Secretary, Medical Health and Family Welfare vide its order dated 02.02.2005 directed the Director General, Medical Health and Family Welfare, to post the petitioner on the post of Pharmacist in the Community Health Centre, Naugaon, Uttarkashi, in view of the fact that petitioner's wife is working as Teacher in Government Girls Junior High School, Bingasi, Naugaon, Uttarkashi.

Consequently, the Director General, Medical Health and Family Welfare, Uttarkashi transferred the petitioner in the office of Chief Medical Officer, Uttarkashi and the Chief Medical Officer, Uttarkashi vide order dated 28.09.2005 has directed the petitioner to join his duties at Tikochi, District - Uttarkashi, which is according to the petitioner, is far away from the Naugaon.

Learned counsel for the petitioner has prayed that petitioner may be permitted to make a representation before Chief Medical Officer, Uttarkashi and Chief Medical Officer, Uttarkashi may be directed to pass suitable order on his representation.

Without going into the merit of the case, I think it just and proper to permit the petitioner to make representation before Chief Medical Officer, Uttarkashi within a period of ten days and to direct the Chief Medical Officer, Uttarkashi to pass suitable order on the petitioner's representation.

Accordingly, the writ petition is disposed of with a direction to the petitioner to make representation raising all his grievances before Chief Medical Officer, Uttarkashi within a period of ten days from today and the Chief Medical Officer, Uttarkashi is directed to take decision on the petitioner's representation within a period of two weeks from the date of receipt of representation. While taking decision on the petitioner's representation, the Chief Medical Officer, Uttarkashi may consider the order dated 02.02.2005 passed by Additional Secretary, Medical Health and Family Welfare, Uttaranchal as well as the fact that petitioner's wife is working as Government Teacher at Naugaon.

In case, the post is available at Naugaon, the Chief Medical Officer, Uttarkashi may accommodate the petitioner at Naugaon and in case, the post is not available at Naugaon, he may pass suitable order to accommodate the petitioner at nearby place of Naugaon.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

October 20, 2005
SK Sharma